HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.23809 of 2006

Dated:27.11.2006

Between:

Shaik Karim Saab.

…Petitioner

and

The Sub-Registrar and another.

…Respondents

HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.23809 of 2006

ORDER:

The petitioner is a resident of Kadapa District. He allegedly purchased land admeasuring Ac.0.21½ cents in Survey Nos.64/B1, B2 situated at Kadapa, from one Syed Hyder Ali by paying an amount of Rs.5,37,500/-. The petitioner's vendor purchased the said land in 1987 under a registered sale deed from one Rahim Bee, who acquired the same from her father in 1932 under a registered gift deed. The petitioner along with his vendor approached the Sub-Registrar, Kadapa, for registration of the sale deed. The Sub-Registrar allegedly did not accept the sale deeds nor register them. The reason, as informed by him was that he was issued a letter, dated 08.06.2000, by the Mandal Revenue Officer, Kadapa, advising him not to register any document pertaining to the said survey numbers. Aggrieved by the same, the present Writ Petition is filed.

Heard the learned Counsel for the petitioner and the learned Assistant Government Pleader for Revenue (General). It is no doubt true that when a document is presented, it is incumbent on the part of the Registering Officer to examine the same with reference to

Sections 31 to 36 of the Registration Act, 1908 (the Act, for brevity) and/or Rules 26 and 58 of the Andhra Pradesh Rules under the Act. This aspect of the matter was considered by my learned brother Hon'ble Sri Justice A.Gopal Reddy in W.P.No.15199 of 2004, dated 01.09.2004.

Following the above, this Writ Petition is disposed of directing the first respondent or any other Registering Officer to accept the document presented by the petitioner and consider for registration. Be it noted, if for any reason, the document presented is not registered, it is incumbent on the part of the Registering Officer to record and furnish reasons under Section 71 of the Act. Even thereafter, if the petitioner has any grievance, he may file appeal before the Appellate Authority under Section 72 of the Act. Thereafter, if any adverse order is passed by the Appellate Authority, the petitioner can file a suit under Section 77 of the Act. No costs.

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(V.V.S.RAO, J)

27.11.2006

Note: Issue C.C in ten days.

B/o.

vs